

THOMAS E. FRANKOVICH (State Bar No. 074414)
 THOMAS E. FRANKOVICH,
A Professional Law Corporation
 4328 Redwood Hwy., Suite 300
 San Rafael, CA 94903
 Telephone: 415/674-8600
 Facsimile: 415/674-9900

Attorneys for Plaintiffs CRAIG YATES
 and DISABILITY RIGHTS ENFORCEMENT,
 EDUCATION SERVICES

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CRAIG YATES, an individual; and)
 DISABILITY RIGHTS, ENFORCEMENT,)
 EDUCATION, SERVICES:HELPING)
 YOU HELP OTHERS, a California public)
 benefit corporation,)

Plaintiffs,)

v.)

WINTER PROPERTIES a general)
 Californai partnership; ANDRADE LUZ)
 BEATRICE and ARMANDO ROBLES)
 CORONEL, individuals dba TAQUERIA)
 EL CORONEL,)

Defendants.)

CASE NO. CV-07-02657-JL

**STIPULATION OF DISMISSAL AND
~~PROPOSED~~ ORDER THEREON**

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own costs and attorneys’ fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

///

///

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action be and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

4 This stipulation may be executed in counterparts, all of which together shall constitute
5 one original document.
6

7 Dated: November 13, 2008

THOMAS E. FRANKOVICH,
A PROFESSIONAL LAW CORPORATION

9 By: /S/

10 Thomas E. Frankovich
11 Attorney for Plaintiffs CRAIG YATES and
12 DISABILITY RIGHTS, ENFORCEMENT, EDUCATION,
13 SERVICES: HELPING YOU HELP OTHERS, a California
public benefit corporation

14 Dated: Nov. 19, 2008

MARVIN PEDERSON,
ATTORNEY AT LAW

16 By: Marvin Pederson

17 Marvin Pederson
18 Attorney for Defendants WINTER PROPERTIES,
19 ANDRADE LUZ BEATRICE and ARMANDO ROBLES
CORONEL, dba TAQUERIA EL CORONEL

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the purpose of enforcing the parties' Settlement Agreement and General Release should such enforcement be necessary.

DATED: 11-26, 2008



Honorable James Larson
Chief United States Magistrate Judge